



Reprinted
February 28, 2002

ENGROSSED HOUSE BILL No. 1230

DIGEST OF HB 1230 (Updated February 27, 2002 7:10 PM - DI 87)

Citations Affected: IC 36-4.

Synopsis: Annexation. Adds Brownsburg, Danville, Fortville, McCordsville, Cumberland, Rushville, Bluffton, and Carmel to the municipalities that may exempt annexed agricultural land from property tax liability until the land is rezoned under a different classification. Requires territory annexed by Avon, Plainfield, Danville, and Brownsburg in Hendricks County to be contained within one township. (Under current law, territory annexed by Avon and Plainfield in Hendricks County is required to be contained in one township.) Updates population parameters to reflect changes in the 2000 decennial census.

Effective: July 1, 2002.

Whetstone, Stevenson

(SENATE SPONSORS — GARD, LAWSON C)

January 10, 2002, read first time and referred to Committee on Local Government.
January 30, 2002, reported — Do Pass.
February 4, 2002, read second time, amended, call withdrawn. Reread second time, ordered engrossed.
February 5, 2002, engrossed. Read third time, passed. Yeas 88, nays 6.
SENATE ACTION
February 11, 2002, read first time and referred to Committee on Governmental and Regulatory Affairs.
February 21, 2002, amended, reported favorably — Do Pass.
February 26, 2002, read second time, call withdrawn.
February 27, 2002, reread second time, amended, ordered engrossed.

EH 1230—LS 6586/DI 87+



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Second Regular Session 112th General Assembly (2002)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2001 General Assembly.

ENGROSSED HOUSE BILL No. 1230

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-4-3-4.1, AS AMENDED BY P.L.224-2001,
2 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2002]: Sec. 4.1. (a) This section applies to the following:

4 (1) A municipality having a population of:

5 (A) more than ~~ten thousand (10,000)~~ but less than fifteen
6 thousand (15,000); or

7 (B) more than ~~four thousand (4,000)~~ but less than four
8 thousand two hundred fifty (~~4,250~~); **five thousand (5,000) but**
9 **less than six thousand three hundred (6,300);**

10 (C) **more than ten thousand (10,000) but less than fifteen**
11 **thousand (15,000); or**

12 (D) **more than six thousand three hundred (6,300) but less**
13 **than ten thousand (10,000);**

14 located in a county having a population of more than ~~seventy-five~~
15 ~~thousand (75,000) but less than seventy-eight thousand (78,000):~~
16 **one hundred thousand (100,000) but less than one hundred**
17 **five thousand (105,000).**

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(2) A municipality having a population of more than ~~thirty-three thousand (33,000)~~ but less than ~~thirty-three thousand eight hundred fifty (33,850)~~ **thirty-two thousand eight hundred (32,800)** but less than ~~thirty-three thousand (33,000)~~ located in a county having a population of more than ~~one hundred seven thousand (107,000)~~ but less than ~~one hundred eight thousand (108,000)~~: **one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000).**

(3) A municipality that is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000).

(4) A town having a population of:

(A) more than ~~five thousand (5,000)~~ but less than ~~six thousand (6,000)~~ **nine thousand (9,000)** but less than ~~thirty thousand (30,000)~~; or

(B) **more than thirty-seven thousand seven hundred (37,700) but less than thirty-eight thousand (38,000).**

located in a county having a population of more than ~~one hundred eight thousand (108,000)~~ but less than ~~one hundred eight thousand nine hundred fifty (108,950)~~: **one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790).**

(5) A municipality having a population of:

(A) more than ~~three thousand (3,000)~~; or

(B) **more than one thousand (1,000) but less than one thousand two hundred (1,200);**

located in a county having a population of more than ~~fifty-five thousand (55,000)~~ but less than ~~sixty-five thousand (65,000)~~.

(6) A town having a population of more than ~~five thousand (5,000)~~ but less than ~~ten thousand (10,000)~~, the majority of which is located in a county containing a consolidated city.

(5) A city having a population of more than ~~five thousand nine hundred ninety-four (5,994)~~ but less than ~~six thousand twenty-five (6,025)~~ in a county having a population of more than ~~eighteen thousand (18,000)~~ but less than ~~eighteen thousand three hundred (18,300)~~.

(5) A city having a population of more than ~~nine thousand five hundred thirty-five (9,535)~~ but less than ~~nine thousand six hundred (9,600)~~ in a county having a population of more than ~~twenty-seven thousand five hundred seventy-five (27,575)~~ but less than ~~twenty-nine thousand (29,000)~~.

(b) Except as provided in subsection (c), the legislative body of a

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1 municipality ~~to which this section applies~~ may, by ordinance, annex
2 territory that:

3 (1) is contiguous to the municipality; **and**

4 (2) in the case of a municipality described in subsection (a)(1),
5 has its entire area within the township within which the
6 municipality is primarily located; and

7 (3) is owned by a property owner who consents to the annexation.

8 (c) Subsection (b)(2) does not apply to a municipality having a
9 population of:

10 (1) more than ~~six thousand (6,000)~~ but less than ~~six thousand five~~
11 ~~hundred (6,500);~~ **five thousand (5,000) but less than eight**
12 **thousand (8,000);** or

13 (2) more than ~~eight thousand seven hundred (8,700)~~ but less than
14 ~~eight thousand nine hundred (8,900);~~ **nine thousand (9,000) but**
15 **less than twelve thousand five hundred (12,500);**

16 in a county having a population of more than four hundred thousand
17 (400,000) but less than seven hundred thousand (700,000).

18 (d) Territory annexed under this section is exempt from all property
19 tax liability under IC 6-1.1 for municipal purposes for all portions of
20 the annexed territory that is classified for zoning purposes as
21 agriculture and remains exempt from the property tax liability while the
22 property's zoning classification remains agriculture.

23 (e) There may not be a change in the zoning classification of
24 territory annexed under this section without the consent of the owner
25 of the annexed territory.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Local Government, to which was referred House Bill 1230, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

STEVENSON, Chair

Committee Vote: yeas 12, nays 2.

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HOUSE MOTION

Mr. Speaker: I move that House Bill 1230 be amended to read as follows:

Page 3, after line 1, begin a new paragraph and insert:

"SECTION 2. IC 36-4-3-15.1 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2002]: **Sec. 15.1. (a) This section applies to an annexation that is initiated by a municipality under this chapter and either:**

(1) the later of the:

(A) judgment of the circuit or superior court; or

(B) final disposition of all appeals to a higher court;

is adverse to annexation; or

(2) the municipality abandons the annexation.

(b) The circuit or superior court having jurisdiction over the annexation shall order the municipality that initiated the annexation to reimburse the owner or owners of the property within the area proposed to be annexed an amount sufficient to reimburse the owner or owners of property for reasonable:

(1) costs;

(2) expenses;

(3) attorney's fees;

(4) appraisal fees; and

(5) engineering fees;

actually incurred because of the annexation proceedings."

(Reference is to HB 1230 as printed January 31, 2002.)

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COMMITTEE REPORT

Mr. President: The Senate Committee on Governmental and Regulatory Affairs, to which was referred House Bill No. 1230, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- Page 1, line 3, strike "(a) This section applies to the following:".
- Page 1, strike line 4.
- Page 1, line 5, strike "(A) more than".
- Page 1, line 5, strike "fifteen".
- Page 1, line 6, strike "thousand (15,000);".
- Page 1, line 7, strike "(B) more than".
- Page 1, line 8, delete "five thousand (5,000) but".
- Page 1, delete lines 9 through 11.
- Page 1, line 12, strike "located in a county having a population of more than".
- Page 1, line 13, delete "(78,000)" and insert "~~(78,000)~~".
- Page 1, delete lines 14 through 15.
- Page 1, line 16, strike "(2) A municipality having a population of more than".
- Page 2, line 1, delete "thirty-two thousand eight hundred".
- Page 2, line 2, delete "(32,800) but less than thirty-three thousand (33,000)".
- Page 2, line 2, strike "located in".
- Page 2, line 3, strike "a county having a population or more than".
- Page 2, line 5, delete "one hundred ten thousand (110,000) but less than".
- Page 2, delete line 6.
- Page 2, strike lines 7 through 9.
- Page 2, line 10, strike "(4) A town having a population of more than".
- Page 2, line 11, delete "nine thousand (9,000)".
- Page 2, line 12, delete "but less than thirty thousand (30,000)".
- Page 2, line 12, strike "located in county".
- Page 2, line 13, strike "having a population of more than".
- Page 2, line 15, delete "one hundred eighty thousand (180,000) but less".
- Page 2, delete lines 16 through 17.
- Page 2, line 18, strike "(b)" and insert "**(a)**".
- Page 2, line 18, strike "(c)," and insert "**(b)**".
- Page 2, line 19, strike "to which this section applies".
- Page 2, line 21, after "municipality;" insert "**and**".

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Page 2, strike lines 22 through 24.

Page 2, line 25, strike "(3)" and insert "(2)".

Page 2, strike lines 26 through 27.

Page 2, line 28, strike "(1) more than".

Page 2, line 29, delete "(6,500)" and insert "(6,500);".

Page 2, line 29, delete "five thousand (5,000) but less than eight".

Page 2, line 30, delete "thousand (8,000);".

Page 2, line 30, strike "or".

Page 2, line 31, strike "(2) more than".

Page 2, line 32, delete "(8,900)" and insert "(8,900);".

Page 2, line 32, delete "nine thousand (9,000) but".

Page 2, line 33, delete "less than twelve thousand five hundred (12,500)".

Page 2, line 33, strike "in a county".

Page 2, line 33, block left beginning with "in".

Page 2, strike lines 34 through 35.

Page 2, between lines 35 and 36, begin a new paragraph and insert:

"(b) This subsection applies to a municipality having a population of more than:

(1) fifteen thousand (15,000);

(2) five thousand (5,000) but less than six thousand three hundred (6,300);

(3) ten thousand (10,000) but less than fifteen thousand (15,000); or

(4) six thousand three hundred (6,300) but less than ten thousand (10,000);

located in a county having a population of more than one hundred thousand (100,000) but less than one hundred five thousand (105,000). In addition to fulfilling the requirements set forth in subsection (a), the entire area of the territory that the municipality proposes to annex must be located within the township within which the municipality is primarily located."

Page 2, line 36, strike "(d)" and insert "(c)".

Page 2, line 41, strike "(e)" and insert "(d)".

Page 3, delete lines 2 through 21.

and when so amended that said bill do pass.

(Reference is to HB 1230 as reprinted February 5, 2002.)

MERRITT, Chairperson

Committee Vote: Yeas 5, Nays 2.

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SENATE MOTION

Mr. President: I move that Engrossed House Bill 1230 be amended to read as follows:

Page 1, line 3, reset in roman "(a) This section applies to the following:".

Page 1, reset in roman line 4.

Page 1, line 5, reset in roman "(A) more than".

Page 1, line 5, reset in roman "fifteen".

Page 1, line 6, reset in roman "thousand (15,000);".

Page 1, line 7, reset in roman "(B) more than".

Page 1, line 8, after "(4,250);" insert **"five thousand (5,000) but less than six thousand three hundred (6,300);**

(C) more than ten thousand (10,000) but less than fifteen thousand (15,000); or

(D) more than six thousand three hundred (6,300) but less than ten thousand (10,000);".

Page 1, line 9, reset in roman "located in a county having a population of more than".

Page 1, line 10, after "(78,000)." insert **"one hundred thousand (100,000) but less than one hundred five thousand (105,000)."**

Page 1, line 11, reset in roman "(2) A municipality having a population of more than".

Page 1, line 13, after "(33,850)" insert **"thirty-two thousand eight hundred (32,800) but less than thirty-three thousand (33,000)".**

Page 1, line 13, reset in roman "located in a county having a population of".

Page 1, line 14, reset in roman "more than".

Page 1, line 15, after "(108,000)." insert **"one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000)."**

Page 1, reset in roman lines 16 through 17.

Page 2, reset in roman line 1.

Page 2, line 2, reset in roman "(4) A town having a population of more than".

Page 2, line 3, after "(6,000)" insert **"nine thousand (9,000) but less than thirty thousand (30,000)".**

Page 2, line 3, reset in roman "located in a county".

Page 2, line 4, reset in roman "having a population of more than".

Page 2, line 6, after "(108,950)." insert **"one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790).**

(5) A municipality having a population of:

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(A) more than three thousand (3,000); or

(B) more than one thousand (1,000) but less than one thousand two hundred (1,200);

located in a county having a population of more than fifty-five thousand (55,000) but less than sixty-five thousand (65,000).

(6) A town having a population of more than five thousand (5,000) but less than ten thousand (10,000), the majority of which is located in a county containing a consolidated city."

Page 2, line 7, reset in roman "(b)".

Page 2, line 7, delete "(a)".

Page 2, line 7, reset in roman "(c)".

Page 2, line 7, after "(c)," delete "(b)".

Page 2, line 10, delete "and".

Page 2, reset in roman lines 11 through 13.

Page 2, line 14, reset in roman "(3)".

Page 2, line 14, delete "(2)".

Page 2, reset in roman lines 16 through 17.

Page 2, line 18, reset in roman "(1) more than".

Page 2, line 19, after "(6,500);" insert "**five thousand (5,000) but less than eight thousand (8,000);**".

Page 2, line 19, reset in roman "or".

Page 2, line 20, reset in roman "(2) more than".

Page 2, line 21, after "(8,900);" insert "**nine thousand (9,000) but less than twelve thousand five hundred (12,500);**".

Page 2, reset in roman lines 22 through 23.

Page 2, delete lines 24 through 38.

Page 2, line 39, reset in roman "(d)".

Page 2, line 39, delete "(c)".

Page 3, line 2, reset in roman "(e)".

Page 3, line 2, delete "(d)".

(Reference is to EHB 1230 as printed February 22, 2002.)

GARD

SENATE MOTION

Mr. President: I move that Engrossed House Bill 1230 be amended to read as follows:

Page 1, line 3, reset in roman "(a) This section applies to the following:"

Page 1, reset in roman line 4.

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Page 1, line 5, reset in roman "(A) more than".

Page 1, line 5, reset in roman "fifteen".

Page 1, line 6, reset in roman "thousand (15,000); or".

Page 1, line 7, reset in roman "(B) more than".

Page 1, line 8, after "(4,250);" insert **"five thousand (5,000) but less than six thousand three hundred (6,300);"**.

Page 1, line 9, reset in roman "located in a county having a population of more than".

Page 1, line 10, after "(78,000)." insert **"one hundred thousand (100,000) but less than one hundred five thousand (105,000)."**.

Page 1, line 11, reset in roman "(2) A municipality having a population of more than".

Page 1, line 13, after "(33,850)" insert **"thirty-two thousand eight hundred (32,800) but less than thirty-three thousand (33,000)"**.

Page 1, line 13, reset in roman "located in a county having a population of".

Page 1, line 14, reset in roman "more than".

Page 1, line 15, after "(108,000)." insert **"one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000)."**.

Page 1, reset in roman lines 16 through 17.

Page 2, reset in roman line 1.

Page 2, line 2, reset in roman "(4) A".

Page 2, line 2, after "town" insert **"municipality"**.

Page 2, line 2, reset in roman "having a population of".

Page 2, line 2, after "of" insert ":

(A) ".

Page 2, line 2, reset in roman "more than".

Page 2, line 3, after "(6,000)" insert **"nine thousand (9,000) but less than thirty thousand (30,000); or"**.

(B) more than thirty-seven thousand seven hundred (37,700) but less than thirty-eight thousand (38,000).".

Page 2, line 3, beginning with "located" begin a new line block indented.

Page 2, line 3, reset in roman "located in a county".

Page 2, line 4, reset in roman "having a population of more than".

Page 2, line 6, after "(108,950)." insert **"one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790)."**.

Page 2, line 7, reset in roman "(b)".

Page 2, line 7, delete "(a)".

Page 2, line 7, reset in roman "(c)."



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Page 2, line 7, after "(c)," delete "(b),".
 Page 2, line 10, delete "and".
 Page 2, reset in roman lines 11 through 13.
 Page 2, line 14, reset in roman "(3)".
 Page 2, line 14, delete "(2)".
 Page 2, reset in roman lines 16 through 17.
 Page 2, line 18, reset in roman "(1) more than".
 Page 2, line 19, after "(6,500);" insert "**five thousand (5,000) but less than eight thousand (8,000);**".
 Page 2, line 19, reset in roman "or".
 Page 2, line 20, reset in roman "(2) more than".
 Page 2, line 21, after "(8,900);" insert "**nine thousand (9,000) but less than twelve thousand five hundred (12,500);**".
 Page 2, reset in roman lines 22 through 23.
 Page 2, delete lines 24 through 38.
 Page 2, line 39, reset in roman "(d)".
 Page 2, line 39, delete "(c)".
 Page 3, line 2, reset in roman "(e)".
 Page 3, line 2, delete "(d)".

(Reference is to EHB 1230 as printed February 22, 2002.)

KENLEY

SENATE MOTION

Mr. President: I move that Engrossed House Bill 1230 be amended to read as follows:

Page 1, line 3, reset in roman "(a) This section applies to the following:".

Page 1, reset in roman line 4.

Page 1, line 5, reset in roman "(A) more than".

Page 1, line 5, reset in roman "fifteen".

Page 1, line 6, reset in roman "thousand (15,000); or".

Page 1, line 7, reset in roman "(B) more than".

Page 1, line 8, after "(4,250);" insert "**five thousand (5,000) but less than six thousand three hundred (6,300);**".

Page 1, line 9, reset in roman "located in a county having a population of more than".

Page 1, line 10, after "(78,000)." insert "**one hundred thousand (100,000) but less than one hundred five thousand (105,000).**".

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Page 1, line 11, reset in roman "(2) A municipality having a population of more than".

Page 1, line 13, after "(33,850)" insert "**thirty-two thousand eight hundred (32,800) but less than thirty-three thousand (33,000)**".

Page 1, line 13, reset in roman "located in a county having a population of".

Page 1, line 14, reset in roman "more than".

Page 1, line 15, after "(108,000)." insert "**one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000)**".

Page 1, reset in roman lines 16 through 17.

Page 2, reset in roman line 1.

Page 2, line 2, reset in roman "(4) A town having a population of more than".

Page 2, line 3, after "(6,000)" insert "**nine thousand (9,000) but less than thirty thousand (30,000)**".

Page 2, line 3, reset in roman "located in a county".

Page 2, line 4, reset in roman "having a population of more than".

Page 2, line 6, after "(108,950)." insert "**one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790)**".

(5) A city having a population of more than five thousand nine hundred ninety-four (5,994) but less than six thousand twenty-five (6,025) in a county having a population of more than eighteen thousand (18,000) but less than eighteen thousand three hundred (18,300)."

Page 2, line 7, reset in roman "(b)".

Page 2, line 7, delete "(a)".

Page 2, line 7, reset in roman "(c)".

Page 2, line 7, after "(c)," delete "(b)".

Page 2, line 10, delete "and".

Page 2, reset in roman lines 11 through 13.

Page 2, line 14, reset in roman "(3)".

Page 2, line 14, delete "(2)".

Page 2, reset in roman lines 16 through 17.

Page 2, line 18, reset in roman "(1) more than".

Page 2, line 19, after "(6,500);" insert "**five thousand (5,000) but less than eight thousand (8,000);**".

Page 2, line 19, reset in roman "or".

Page 2, line 20, reset in roman "(2) more than".

Page 2, line 21, after "(8,900);" insert "**nine thousand (9,000) but less than twelve thousand five hundred (12,500);**".



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Page 2, reset in roman lines 22 through 23.

Page 2, delete lines 24 through 38.

Page 2, line 39, reset in roman "(d)".

Page 2, line 39, delete "(c)".

Page 3, line 2, reset in roman "(e)".

Page 3, line 2, delete "(d)".

(Reference is to EHB 1230 as printed February 22, 2002.)

JACKMAN

SENATE MOTION

Mr. President: I move that Engrossed House Bill 1230 be amended to read as follows:

Page 1, line 3, reset in roman "(a) This section applies to the following:"

Page 1, reset in roman line 4.

Page 1, line 5, reset in roman "(A) more than".

Page 1, line 5, reset in roman "fifteen".

Page 1, line 6, reset in roman "thousand (15,000); or".

Page 1, line 7, reset in roman "(B) more than".

Page 1, line 8, after "(4,250);" insert **"five thousand (5,000) but less than six thousand three hundred (6,300);"**.

Page 1, line 9, reset in roman "located in a county having a population of more than".

Page 1, line 10, after "(78,000)." insert **"one hundred thousand (100,000) but less than one hundred five thousand (105,000)."**

Page 1, line 11, reset in roman "(2) A municipality having a population of more than".

Page 1, line 13, after "(33,850)" insert **"thirty-two thousand eight hundred (32,800) but less than thirty-three thousand (33,000)"**.

Page 1, line 13, reset in roman "located in a county having a population of".

Page 1, line 14, reset in roman "more than".

Page 1, line 15, after "(108,000)." insert **"one hundred ten thousand (110,000) but less than one hundred fifteen thousand (115,000)."**

Page 1, reset in roman lines 16 through 17.

Page 2, reset in roman line 1.

Page 2, line 2, reset in roman "(4) A town having a population of

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more than".

Page 2, line 3, after "(6,000)" insert **"nine thousand (9,000) but less than thirty thousand (30,000)"**.

Page 2, line 3, reset in roman "located in a county".

Page 2, line 4, reset in roman "having a population of more than".

Page 2, line 6, after "(108,950)." insert **"one hundred eighty thousand (180,000) but less than one hundred eighty-two thousand seven hundred ninety (182,790)"**.

(5) A city having a population of more than nine thousand five hundred thirty-five (9,535) but less than nine thousand six hundred (9,600) in a county having a population of more than twenty-seven thousand five hundred seventy-five (27,575) but less than twenty-nine thousand (29,000)." .

Page 2, line 7, reset in roman "(b)".

Page 2, line 7, delete "(a)".

Page 2, line 7, reset in roman "(c)".

Page 2, line 7, after "(c)," delete "(b)".

Page 2, line 10, delete "and".

Page 2, reset in roman lines 11 through 13.

Page 2, line 14, reset in roman "(3)".

Page 2, line 14, delete "(2)".

Page 2, reset in roman lines 16 through 17.

Page 2, line 18, reset in roman "(1) more than".

Page 2, line 19, after "(6,500);" insert **"five thousand (5,000) but less than eight thousand (8,000);"**.

Page 2, line 19, reset in roman "or".

Page 2, line 20, reset in roman "(2) more than".

Page 2, line 21, after "(8,900);" insert **"nine thousand (9,000) but less than twelve thousand five hundred (12,500);"**.

Page 2, reset in roman lines 22 through 23.

Page 2, delete lines 24 through 38.

Page 2, line 39, reset in roman "(d)".

Page 2, line 39, delete "(c)".

Page 3, line 2, reset in roman "(e)".

Page 3, line 2, delete "(d)".

(Reference is to EHB 1230 as printed February 22, 2002.)

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